

FILED¹

06/17/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0374

Donnie Nolan

INMATE NAME

#30611

INMATE ID NUMBER

Dawson Co. Detention/Corr. facility

NAME OF FACILITY WHERE INMATE IS INCARCERATED

440 Colorado Blvd.

ADDRESS OF FACILITY

Glendive MT, 59330

ADDRESS Continued

FILED

JUN 17 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Petitioner Pro Se

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 24-0374

[The Court will assign a number]

<p><u>Donnie Nolan</u></p> <p>INMATE NAME</p> <p>PETITIONER,</p> <p>VS.</p> <p><u>Tom Green-Warden</u></p> <p>NAME OF WARDEN/FACILITY ADMINISTRATOR</p> <p>RESPONDENT.</p>	<p>PETITION FOR WRIT OF HABEAS CORPUS</p>
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COMES Now Donnie Nolan [Name of Inmate] and Petitions the Montana Supreme Court for immediate or sooner release under Mont. Code Ann. § 46-22-101, et. seq. I believe I am eligible for immediate or sooner release from my confinement because [check appropriate box]:

☐ The Department of Corrections has calculated my parole eligibility or discharge date incorrectly.

☐ I believe the Parole Board should have granted me a parole AND the Board violated my Due Process rights.

☐ I am being held in jail and I believe my bail is excessive.

☐ I believe I am entitled to more credit for jail time than I received.

☒ I believe my sentence is illegal because:

☐ I was sentenced after April 28, 1999, and I received a sentence of more than 5 years that was not suspended to the Department of Corrections.

☐ The court's sentence violated double jeopardy.

☒ The length of my sentence is longer than the law allows.

☐ Other reason I am being held illegally and the Court should grant my immediate or sooner release.

Use the next pages to tell the Court the facts and circumstances about the reason you believe you are entitled to immediate or sooner release. Be specific. Attach any documents that help make your case.

Oct. 16TH, 2022 My parole was revoked for violating the conditions of parole in docket # DC-15-0610. As a result of being revoked I was sent back to prison and made to reappear before the board of pardons and parole Jan 24TH, 2023 please see exhibit # —. I appeared before the board of pardons and parole Jan 24TH 2023, my parole was denied until discharge (9-10-2025), please see exhibit # 1, a sum total of approx. 18 months from the time of appearance in front of the board on Jan 24TH 2023

PRO SE PETITION FOR HABEAS CORPUS

PAGE 2

Montana Supreme Court

Donnie Nolan

INMATE NAME

MCA §46-23-1025 (2) provides: Upon receipt of a report
the board shall cause the prisoner to be brought promptly
before a hearing panel for a hearing on the violation
charged under rules that the board may adopt. . . .
If the violation is established and the hearing panel finds
that the violation is a compliance violation and that
appropriate violation responses under the department's
incentives and interventions grid have been exhausted, the
hearing panel may: (B) continue the parole with modified
or additional terms and conditions which may include
placement in: (i) a secure facility designated by the
department by the department for up to 9 months.
although I was initially charged with a crime and
that crime was reason for my violation, please see
exhibit # 2, this charge was later dismissed and it
was found that my violation was for a non-compliance
violation please see exhibit # 3. Due to Montana statute
MCA §46-23-1025, the duration of time that I should be
held in a secure facility shall not exceed 9 months.
I'm currently being held in a secure facility for:

approx. 17 ~~not~~ month for a non-compliance violation.

This exceeds the term of allowable time to be held in a secure facility, pursuant to MCA 46-23-1025 my term of placement in a secure facility exceeds the term allowable per statute and I'm therefore being held in violation of statute 46-23-1025 MCA.

The rules of statutory construction require the language of a statute to be construed according to its plain meaning. IF the language is clear and unambiguous, no further interpretation is required, pursuant to section 1-2-101 MCA.

Exhibit #6 2017 MT. SRH - Length of time, board may order person to serve before another hearing - Administrative rules and report to law and Justice MCA 46-23-103, 46-23-104, 46-23-110 46-23-201, 46-23-207, 46-23-208, 46-23-215, 46-23-218, 46-23-1001 46-23-1021, 46-23-1023, 2-15-2302, 46-23-203, 46-23-1028

Due to the violations of statute it is my contention that I'm being held illegally and respectfully request I be immediately released from secure placement and

put back on parole in the community. The Mlg is statutory MCA 46-23-1028 PPD 6.3.1 base off 2017 MT. Senate Bill 64 Non-Compliance Violation. Please Release

PRO SE PETITION FOR HABEAS CORPUS

PAGE 4

Montana Supreme Court

Donnie Nolan

INMATE NAME

CERTIFICATE OF SERVICE

I certify that I filed this

- ☒ Petition

□ Motion

☐ Other

Writ of Habeas Corpus
[Name of document]

[Name of document]

with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any other party not represented by counsel as follows:

[Name of opposing counsel]

[Address]

Counsel for

[Other party representing himself or herself]

[Address]

DATED this 11 day of June, 20 24.

[Signature]

[Print name]

